

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA,)
)
vs.) 2:19-CR-159
)
SAMANTHA ELHASSANI.)

**EXCERPT TRANSCRIPT
TESTIMONY OF J.S.**

November 9, 2020
BEFORE THE HONORABLE PHILIP P. SIMON
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE GOVERNMENT:

ABIZER ZANZI
JENNIFER CHANG
NATHANIEL WHALEN
U.S. Attorney's Office
5400 Federal Plaza, Suite 1500
Hammond, Indiana 46320
(219) 937-5500

FOR THE DEFENDANT:

THOMAS A. DURKIN
Durkin & Roberts
515 W Arlington Place
Chicago, Illinois 60614
(312) 981-0123

JOSHUA G. HERMAN
Law Office of Joshua G. Herman
53 W Jackson Boulevard, Suite 1650
Chicago, Illinois 60604
(312) 909-0434

ALSO PRESENT: Troy Sabourin, U.S. Probation
Martin D'Amico - FBI

1 (The following is an excerpt transcript of proceedings of
2 the testimony of J.S., reported as follows:)

3 **THE COURT:** Sir, would you raise your right hand to
4 be sworn in.

5 (The oath was administered.)

6 **THE WITNESS:** I do.

7 **THE COURT:** Okay. Sir, you may be seated.

8 Sir, during your examination, if you would, remove your
9 mask just so I can sort of see you talking and have a human
10 exchange here. Then, when you are done, I will have you put
11 your mask back on, okay.

12 **THE WITNESS:** Yes, sir.

13 **THE COURT:** All right. Mr. Zanzi, you may proceed.

14 **MR. ZANZI:** Thank you, Your Honor.

15 J.S., GOVERNMENT'S WITNESS, SWORN

16 **DIRECT EXAMINATION**

17 **BY MR. ZANZI:**

18 **Q.** Sir, I'm going to refer to you, as we have discussed
19 previously, as J.S., okay.

20 **A.** Okay.

21 **Q.** I'm going to refer to your son as M.S., okay.

22 **A.** Okay.

23 **Q.** I know people make mistakes, but we'll just try our best
24 to follow that, okay.

25 **A.** All right.

1 Q. Do you know the defendant, Samantha Elhassani?

2 A. Yes.

3 Q. And I'm asking you just to speak into the microphone so we
4 can all hear you, okay.

5 A. All right.

6 Q. So you know the defendant, Samantha Elhassani?

7 A. Yes.

8 Q. How do you know her?

9 A. We were in a relationship together, and we have a child
10 together.

11 Q. How long have you known her?

12 A. Since around 2003 -- or '4 or '5, 2004 or '5.

13 Q. And how old was -- when did you separate?

14 A. We separated when M.S. -- or my son was around three years
15 old.

16 Q. Okay. And how old is M.S. now?

17 A. Thirteen.

18 Q. Initially, when you separated with defendant, who did your
19 son stay with?

20 A. He stayed with me.

21 Q. For how long?

22 A. For about a year.

23 Q. Briefly -- I don't need all the details -- but why did the
24 relationship end?

25 A. Mostly because of deception. Sam was staying after work

1 and partying with her friends and not coming home.

2 Q. And after the year that your son stayed with you, what
3 happened regarding custody?

4 A. Well, there never was a custody agreement, but my son
5 ended up living with Samantha due to the fact my babysitter got
6 pregnant, and she was stable enough that he was safe to live
7 there.

8 Q. And after your son started living with defendant, did you
9 try to maintain a relationship with your son?

10 A. Yes, I did maintain a relationship.

11 Q. Were you successful in doing so?

12 A. Yes.

13 Q. Do you maintain a relationship with defendant's parents?

14 A. Yes.

15 Q. How would you describe that relationship?

16 A. Very good.

17 Q. You get along with them?

18 A. Yes.

19 Q. And how did you become aware of defendant's relationship
20 to Moussa Elhassani?

21 A. After -- Sam told me, eventually.

22 Q. Do you remember, approximately, when that was?

23 A. After she moved to Indiana, but I don't have a time frame.

24 Q. Okay. And did your relationship with your son change
25 after defendant became involved with Moussa?

1 A. Yes.

2 Q. How so?

3 A. The visits became less frequent and the phone calls became
4 less frequent.

5 Q. Why is that?

6 A. I'm not sure. I wasn't there on her side.

7 Q. Did you try to maintain your relationship with your son?

8 A. Yes.

9 Q. But you weren't successful?

10 A. Correct.

11 Q. Based on what you knew and what you were able to observe,
12 did you have any concerns about your son living with Moussa and
13 defendant?

14 A. No.

15 Q. Did you become aware of an effort by Moussa to adopt your
16 son?

17 A. Yes.

18 Q. How did you become aware?

19 A. Samantha's sister called me and notified me.

20 Q. And were you -- did anyone inform you about that ahead of
21 time?

22 A. No.

23 Q. Or request your permission?

24 A. No.

25 Q. Do you know the details of anything that was relayed to

1 the Court regarding that?

2 A. The only details I know is that Samantha was attempting to
3 file for the adoption under the premise that I was not in
4 communication with her, that I had abandoned my son.

5 Q. And was that true?

6 A. No.

7 Q. How was that issue resolved?

8 A. I showed up for the Court hearing, and then it -- Samantha
9 and Moussa no longer pursued it.

10 Q. During the -- in the last year, before your son left for
11 abroad, did it become harder for you to maintain contact with
12 your son?

13 A. Yes, it became less and less communication.

14 Q. Did you notice -- in the times that you were able to spend
15 with your son, did you notice any changes in him?

16 A. Yes. Once when he came to visit, he started practicing
17 Islam. I walked into a bathroom and found him praying on the
18 floor.

19 Q. Anything else that led you to believe he was practicing
20 Islam?

21 A. He also would not eat pork, and he directly told me that
22 he was practicing Islam at home.

23 Q. So this would have been sometime in 2014?

24 A. Yes.

25 Q. I want to direct your attention to December of 2014.

1 **MR. DURKIN:** I'm sorry. December when?

2 **MR. ZANZI:** December 2014.

3 **BY MR. ZANZI:**

4 **Q.** Did defendant ask you to meet with her in Chicago?

5 **A.** Yes.

6 **Q.** For what purpose?

7 **A.** To visit with my son and to sign a paper for a passport --
8 a temporary passport is what I was told.

9 **Q.** Who paid for that trip?

10 **A.** Samantha did.

11 **Q.** And was your son present?

12 **A.** Yes.

13 **Q.** Did you get to spend some time with him?

14 **A.** Yes.

15 **Q.** Did defendant need your approval to obtain a passport for
16 your son?

17 **A.** Yes.

18 **Q.** Because you were his biological father?

19 **A.** Correct.

20 **Q.** Did she tell you why she needed a passport?

21 **A.** Yes.

22 **Q.** What was the reason?

23 **A.** Sam told me that she needed the passport to take M.S. to
24 visit Moussa's mother who was dying in Paris.

25 **Q.** In Paris?

1 A. Yes.

2 Q. In Paris, France?

3 A. Correct.

4 MR. DURKIN: I'm sorry. Could I either ask him to
5 restate that answer or have it read back. I didn't understand
6 part of it.

7 THE COURT: Could you repeat your answer, sir.

8 THE WITNESS: Yes. Which part of the answer?

9 BY MR. ZANZI:

10 Q. Let me re-ask the question. And I'll just ask that you --
11 you might need to move the microphone closer to you so we can
12 all hear you. Just speak as loud as you can.

13 What did defendant tell you was the reason she needed the
14 passport?

15 A. Samantha told me that she needed the passport to take M.S.
16 to visit Moussa's mother who was dying in Paris, France.

17 Q. Did you agree to allow your son to get a passport?

18 A. I did.

19 Q. And why is that?

20 A. Because even though we had issues in the past, I don't
21 have a problem with my son traveling to see the world, and I
22 thought we had resolved everything.

23 Q. At that time, did you have any problems with them going to
24 France?

25 A. No.

1 Q. Why is that?

2 A. I feel everyone should get out and see the world,
3 including my son, honestly, regardless of my relationship with
4 his mother.

5 Q. Would you have given approval if defendant said they were
6 going to Morocco to visit Moussa's parents?

7 A. No.

8 Q. Why is that?

9 A. I was told that Moussa's parents lived -- well, his
10 father. I don't know where his mother -- except for France --
11 but I was told that his father lived on a compound and they had
12 armed guards, so it just doesn't seem like a safe environment
13 for a child.

14 Q. Would you have given approval if defendant said they were
15 traveling to Hong Kong?

16 A. Yes.

17 Q. Why is that?

18 A. For the same reason that I would give approval for France,
19 just to see the world.

20 Q. Did you believe defendant when she said she was going to
21 France?

22 A. Yes.

23 Q. Did you communicate with defendant via Facebook Messenger
24 when she was abroad?

25 A. Yes.

1 Q. I'm going to show you a document that has been previously
2 submitted to the Court as Exhibit 4 to the government's
3 sentencing memorandum. And have you seen this before?

4 A. (No response.)

5 Q. This is a Facebook record, correct?

6 A. Correct.

7 Q. You have seen this document before?

8 A. Yes.

9 Q. This is a communication between you and the defendant
10 occurring January 16, 2015; is that correct?

11 A. Yes.

12 Q. And there is -- on the bottom of the page, you state,
13 "You're also in a country that was just attacked by terrorists
14 last week in Paris," correct?

15 A. Correct.

16 Q. Can you explain the context of what's happening in this
17 communication and why you made that statement?

18 A. I made the statement because I was trying to get ahold of
19 Samantha, and she would not reply back to my text messages or
20 Messenger.

21 Q. Why were you trying to get ahold of her?

22 A. Because of the terrorist attack, and I was under the
23 impression that she was in Paris at the time.

24 Q. Was there a terrorist attack that had happened around this
25 time in France that had made the news?

1 A. Yes.

2 Q. During the course of this communication, did she ever
3 admit to you that she was not actually in Paris, France, or in
4 France at all?

5 A. No, she did not.

6 Q. Has she ever admitted to you that she wasn't in France
7 during this time?

8 A. No.

9 Q. Did she do anything or say anything to indicate that she
10 was in France?

11 A. No.

12 Q. Or that she was still in France? Did she lead you to
13 believe that she was still in France?

14 A. Correct.

15 Q. What did she say?

16 A. As you can see here, she says that she was the one that
17 conducted the attack, and then she did, like, an LOL and a
18 smiley face. But I was under the impression that she was in
19 France.

20 Q. That was just a joke? You took that as a joke, correct?

21 A. Right.

22 Q. But that led you to believe that she was still in France?

23 A. Correct.

24 Q. When defendant asked for your permission to approve a
25 passport for your son, did she tell you that her husband,

1 Moussa, wanted to join ISIS?

2 A. No.

3 Q. Now, sir, have you ever served in the U.S. military?

4 A. Yes.

5 Q. What branch?

6 A. The Navy.

7 Q. And when was that?

8 A. May of 2001 until August of '04.

9 Q. And were you ever deployed to the Middle East or anywhere
10 near Syria?

11 A. In the Persian Gulf twice, Operation Enduring Freedom and
12 Operation Iraqi Freedom.

13 Q. And did the defendant know that about you?

14 A. Yes.

15 Q. How did you become aware that your son was in Syria?

16 A. I was contacted by the FBI.

17 Q. And did you ever receive videos or images of your son in
18 Syria?

19 A. Yes.

20 Q. How did you receive these?

21 A. Via email from Samantha's sister, Laurie Elhassani.

22 Q. And describe the videos and what you saw?

23 A. The first video I saw appeared as a propaganda film for
24 ISIS, and my son was walking around with a high-powered rifle
25 practicing the movements of the rifle, looking down the scope,

1 walking around rubble, and I believe that is the same video
2 that he addressed Donald Trump and called him the puppeteers of
3 the Jews and a bunch of other -- just a terrible video.

4 Q. And were there other, sort of, like, homemade videos that
5 you saw as well?

6 A. Yes. The second video I saw was my son putting on a
7 suicide vest -- or holding the suicide vest and speaking with
8 someone off camera about what he was going to do and to say
9 that he was an American and when they come to rescue him to
10 blow them up.

11 Q. What was your reaction to that?

12 A. I was devastated by that. I kind of had a slight
13 emotional breakdown. I had to call my boss. I was working out
14 of state at the time, and he had to send me back home and put a
15 relief in. I took time off work.

16 Q. How did you feel when you found out that -- when you first
17 found out that your son was in Syria?

18 A. I was in disbelief. Angered mostly, at first, and then,
19 just -- I didn't know how to take it, to be honest.

20 Q. Where does your son reside now?

21 A. He currently lives with me. I have sole custody.

22 Q. How long has he been living with you?

23 A. For the last year.

24 Q. And how is he doing?

25 A. He's doing -- he's doing well now.

1 Q. How was he doing when he first came to you?

2 A. When he first came to me, he was very quiet, very scared,
3 malnourished. His weight was very low. And he's very
4 standoffish from large crowds, and even peers his age, he
5 doesn't really -- still doesn't communicate with them or really
6 have any social interaction.

7 Q. Does he have any trouble sleeping or anything like that?

8 A. Yes. He does have trouble sleeping in the dark, and it
9 seems that he always has to have a TV on or some background
10 noise.

11 Q. Anything else that is a trigger for him or something he
12 struggles with?

13 A. Yes. Anytime there's going to be fireworks or anything
14 set off, we have to give advance notice. If he's in the house
15 and just hears fireworks, he kind of goes a little bit into a
16 panic mode, and he -- unfortunately, he probably feels like
17 he's being bombed or that bombs are out there.

18 Q. You mentioned that he's doing better. What challenges --
19 has he gone through therapy?

20 A. Yes. He's been through a year of therapy and requested
21 not to go anymore, so I have stopped therapy on his request.
22 And he's just -- just socially, he'd rather stay online
23 constantly than actually have face-to-face interactions with
24 other kids.

25 Q. Does he talk about Syria?

1 A. He talks about Syria. He's -- yes.

2 Q. What does he tell you? What has he been willing to share
3 with you about it?

4 A. He's told me stories of seeing his friends, children his
5 age, blown up in car bombs; seeing Moussa attacked by a drone;
6 seeing buildings exploded; people shot; ISIS shootouts with
7 Americans.

8 Q. Has he talked about Moussa? What has he said about him?

9 A. All he really says about Moussa is that he was mean and
10 that he wasn't as tough as he acted.

11 Q. Has he talked about the trips to Hong Kong? Did he say
12 anything about that?

13 A. Yes. He did say that he went to Hong Kong with his mother
14 and that he knew that they were going over there to take money
15 to someone.

16 Q. Did he say what that was for or no?

17 A. He just said that it was for what they were doing in
18 Syria, what they were going to go do in Syria.

19 Q. Did he have any understanding of what that was?

20 A. Yes.

21 Q. Does he talk about the videos that were created of him?

22 A. He does not. The only thing that he says about them is
23 that he hopes that no one sees them.

24 Q. What about the --

25 THE COURT: I'm sorry. I didn't hear what you just

1 said.

2 **THE WITNESS:** His fear is that people will see them
3 and recognize him in the community.

4 **THE COURT:** I see.

5 **BY MR. ZANZI:**

6 **Q.** What about defendant, has he said anything to you about
7 her?

8 **A.** That he doesn't want to see her or talk to her and that he
9 doesn't know when or if he will ever decide to.

10 **Q.** Okay.

11 **MR. ZANZI:** Nothing further, Your Honor.

12 **THE COURT:** Mr. Durkin.

13 **CROSS-EXAMINATION**

14 **BY MR. DURKIN:**

15 **Q.** Can you see me?

16 **A.** Yes.

17 **Q.** Okay. I didn't want you to think I was trying to avoid
18 you, but you have to forgive me. I have never had to
19 cross-examine under these circumstances. Usually we use the
20 podium and you are up there, so this is a little unusual. If I
21 seem like I'm a little out of my element, bear with me, okay?

22 **A.** All right.

23 **Q.** I think you said that you had met Samantha in either 2003,
24 '4, or '5; am I right?

25 **A.** It was in 2000 -- late 2004, 2005-ish, I believe.

1 Q. And that was in what state?

2 A. Arkansas, Fayetteville.

3 Q. And you were raised in Florida, if I'm right. Am I right?

4 A. Correct.

5 Q. Okay. And the reason you were in Arkansas is because you
6 and your brother got arrested for drugs and got out on bond; am
7 I right?

8 A. No. Who would go to a state to get arrested?

9 Q. I'm sorry?

10 A. No, I did not go to a state to get arrested.

11 Q. No, no. I didn't say you went to the state to get
12 arrested.

13 A. The reason I was in Arkansas was because I was traveling
14 across the country; and, yes, I went to jail in Arkansas for
15 possession of under 3 grams of marijuana, seeds.

16 Q. I'm not trying to be critical. Just bear with me.

17 The reason you ended up in Arkansas was because you had
18 been arrested in Arkansas, correct?

19 A. No.

20 Q. Did you plan to stay in Arkansas when you left to go
21 across the country?

22 A. No.

23 Q. What caused you to stay in Arkansas?

24 A. We decided to get an apartment there and live there, my
25 brother and myself.

1 Q. Okay. And the other reason you stayed was because you met
2 Samantha, right?

3 A. Correct.

4 Q. Okay. And the fact of the matter is is that the two of
5 you were very much in love with each other back then, weren't
6 you?

7 A. Yes.

8 Q. Okay. And I think you said you still stay in touch with
9 her parents, correct?

10 A. Correct.

11 Q. You have a good relationship with them, right?

12 A. Yes.

13 Q. And the truth of the matter is is that you still really
14 care about Sam, don't you?

15 A. No.

16 Q. You don't?

17 A. I do not.

18 Q. When did that change?

19 A. When she decided to join an organization and take my son
20 out of the country.

21 Q. Do you think she joined ISIS?

22 A. Yes.

23 Q. And what is that based on?

24 A. The fact that she was in Syria in an ISIS camp. You don't
25 accidentally end up in Syria, I believe.

1 Q. Well, let me ask you this. Do you know Moussa at all?

2 A. I do not.

3 Q. Okay. You testified that up until Moussa came into the
4 picture, even though you guys were separated, you had a pretty
5 good relationship; am I right?

6 A. Correct.

7 Q. Okay. And at that point you still had -- at least between
8 the two of you, you had mutually good feelings about each other
9 even though you had separated, right?

10 A. We were cordial to each other, yes.

11 Q. All right. Well, you were more than cordial because you
12 testified earlier about coming to Chicago over the passport
13 issue, right?

14 A. Yes.

15 Q. Okay. And even then you had strong feelings for Samantha,
16 didn't you?

17 A. No.

18 Q. You didn't ask her to come to your hotel room?

19 A. She insisted on coming to my hotel room because my son was
20 there, and she wanted to see the area that we were at.

21 Q. You never asked her to come alone to your hotel room to
22 have sex while your son and someone else was in the swimming
23 pool?

24 A. I did not.

25 Q. Okay. Let me ask this. Moussa insisted that two women go

1 along with Sam for this meeting in Chicago, correct?

2 A. I have no idea.

3 Q. Well, did you notice that there were two women along?

4 A. Yes.

5 Q. And these were people who worked for Moussa, correct?

6 A. I also do not know.

7 Q. Okay. Did Sam explain to you that the reason she couldn't
8 come to your room by herself was because she had been under the
9 watch of these two people at Moussa's behest?

10 A. No.

11 Q. She never told you that?

12 A. No.

13 Q. But these people were pretty much in constant contact with
14 Samantha, weren't they?

15 A. Yes.

16 Q. Okay. Do you know anything about domestic abuse?

17 A. No.

18 Q. Do you know anything about the psychological affects of
19 controlling behavior?

20 A. No.

21 Q. Do you think that it was Samantha who decided to begin to
22 cut off your communication with M.S., or was it Moussa?

23 A. I'm not sure.

24 Q. Well, we do know, don't we, that up until Moussa was in
25 the picture there was no interference with your visitation with

1 M.S., was there?

2 A. No.

3 Q. Do you think it's possible that it was Moussa that was
4 controlling her rather than her deciding that?

5 A. I'd rather not speculate.

6 Q. Well, you're speculating that she joined ISIS, aren't you?

7 A. No. She was in Syria in an ISIS camp.

8 Q. Well, would it surprise you to know she was not ever in an
9 ISIS camp, she was in an ISIS prison where she was tortured and
10 raped?

11 A. No.

12 Q. Have you ever heard that?

13 A. Yes.

14 Q. Who told you that?

15 A. A reporter did.

16 Q. And do you think that ISIS would rape and torture their
17 own members?

18 A. Yes.

19 Q. Okay. So you don't dispute that she was raped and
20 tortured in Syria, do you?

21 A. I don't affirm or dispute it. I don't know. I wasn't
22 there.

23 Q. Okay. So since you weren't there, you wouldn't know
24 whether she was a member of ISIS either, would you?

25 A. Correct.

1 Q. You mentioned in your testimony that you noticed, the time
2 your son came to visit you in 2014, that there had been some
3 changes in him, right?

4 A. Correct.

5 Q. And all of a sudden he was acting like he was a practicing
6 Muslim, right?

7 A. Correct.

8 Q. Well, you know that Samantha wasn't a practicing Muslim,
9 right?

10 A. I'm not sure.

11 Q. Well, did you ever know her to practice Islam?

12 A. No.

13 Q. Did she ever tell you she was?

14 A. No, but I didn't ask her either.

15 Q. I see.

16 When your son came to see you in 2014 and started acting
17 like a Muslim and wanting to pray, he was only four years old,
18 wasn't he?

19 A. Yes -- no.

20 Q. I'm sorry?

21 A. I believe he was around five or six by then.

22 Q. What year was he born?

23 A. '07, I believe.

24 Q. What year was he born?

25 A. '07, I believe.

1 Q. So he might have been seven then?

2 A. Correct.

3 Q. Okay. Did he tell you that it was his mother that was
4 forcing Islam on him?

5 A. He didn't tell me anyone was forcing Islam on him.

6 Q. What did you surmise?

7 A. I just assumed that he was practicing Islam because he
8 lived with someone else who practiced Islam.

9 Q. And that someone else was Moussa, right?

10 A. Correct.

11 Q. Now, you said that you learned that your son was in Syria
12 because you were contacted by the FBI, right?

13 A. Correct.

14 Q. And you were contacted several times while he was
15 overseas; am I right?

16 A. Correct.

17 Q. First time being in March of 2016, correct?

18 A. I'm not sure of the exact date.

19 Q. Would you take my word for it if I told you that's the
20 date that was on a memo that we have?

21 A. Yes.

22 Q. By the way, when you and Samantha met, she was only 19,
23 right?

24 A. I don't recall her age, to be honest.

25 Q. Well, you were 22; am I right?

1 A. Correct.

2 Q. Would you agree with me that Samantha's relationships with
3 men, perhaps other than your relationship, have been rather
4 disastrous?

5 A. Some of them, but I'm not aware of all her relationships.

6 Q. Well, you know that she's had multiple relationships,
7 hasn't she?

8 A. Yes.

9 Q. In fact, that was an issue between the two of you, right?

10 A. No.

11 Q. Well, I thought you said that one of the issues, when you
12 answered Mr. Zanzi, was that she was staying out and partying
13 all night?

14 A. Correct.

15 Q. Well, wasn't there a time, that you were aware of, because
16 you were there, when she was -- ended up in a sexual assault by
17 one of her bosses and a secretary at a place where --

18 A. She told me --

19 Q. Hold it.

20 -- at a place where you also worked?

21 A. Yes.

22 Q. And when was that?

23 A. I'm not sure when that was.

24 Q. Where were you working?

25 A. I was working for an independent contractor in Arkansas.

1 Q. Was that Springdale?

2 A. Yes.

3 Q. Okay. And that was pretty traumatic for the both of you,
4 wasn't it?

5 A. Yes.

6 Q. In fact, after that, you sobbed in her arms and apologized
7 for not being able to protect her; am I right?

8 A. No.

9 Q. Did you -- what happened from your vantage point or as you
10 recall?

11 A. As I recall it -- Samantha told me what happened. I did
12 not witness the situation. And then shortly thereafter, we
13 left Arkansas for Florida. She no longer felt safe where we
14 were.

15 Q. Okay. Now, you're aware of the fact, are you not, that
16 she ran away from home with someone when she was 16 or 17 years
17 old, right?

18 A. Yes.

19 Q. Okay. You're also aware of the fact that she was sexually
20 abused when she was young, correct?

21 A. No.

22 Q. You're not aware of that?

23 A. No.

24 Q. Would you -- you wouldn't dispute that though, would you?

25 A. I don't have anything to say about it. Sam never

1 mentioned being abused as a child.

2 Q. Okay. But you were aware that at 16 she ran off with some
3 guy and, ultimately, had to get her parents' permission to get
4 married; am I right?

5 A. Yes.

6 Q. You're also aware that she's had all these multiple bad
7 relationships with men, correct?

8 A. Yes.

9 Q. Do you know anything -- let me ask you something. Hold
10 on.

11 When you were first contacted -- how did you end up coming
12 to testify today?

13 A. I was --

14 Q. Did you ask to come here, or did the government ask you to
15 come?

16 A. I was sent a subpoena to appear. I was asked to appear.

17 Q. So you didn't volunteer to come here today, right?

18 A. Correct.

19 Q. Did they tell you why they wanted you to come?

20 A. To testify.

21 Q. Did they tell you what they wanted you to testify about?

22 A. No.

23 Q. When did they first explain to you what they were going to
24 ask you today?

25 A. Last night we discussed --

1 Q. Who was that that explained what they wanted?

2 A. Abizer did not explain what he wanted. He explained to me
3 to tell the truth while I'm in the courtroom.

4 Q. Okay. That's fair.

5 Did Abizer show you any of the pleadings in this case?

6 A. He did not.

7 Q. Did he tell you what the dispute at this sentencing is
8 about?

9 A. He did not.

10 Q. And he didn't show you any of the psychiatric reports that
11 have been submitted about Samantha?

12 A. No, sir.

13 Q. Okay. Let me just ask you this. And I'm referring to one
14 of the reports. I want to see whether you would agree with
15 this -- page 2 of the January 17, 2020 -- report.

16 Would you agree with this statement from the report?

17 "Starting with high school, she, Samantha, engaged in
18 sequential relationships, marriages, and living arrangements
19 that were destabilizing and attributable to the consequence of
20 abuse and neglect." Would you agree with that?

21 A. Can you re-read that? I'm not sure what all of that
22 means.

23 Q. "Starting with high school, she engaged in sequential
24 relationships, marriages, and living arrangements that were
25 destabilizing and attributable to the consequences of abuse and

1 neglect." Would you agree with that?

2 **A.** I'm not a doctor to agree with it. I'm not sure what
3 leads to these things, so I don't -- I don't know.

4 **Q.** I'm just talking about that factual statement. You don't
5 disagree with that, do you?

6 **MR. ZANZI:** I object to the foundation. He clearly
7 has no basis for knowing.

8 **THE COURT:** Sustained.

9 **BY MR. DURKIN:**

10 **Q.** Well, would you agree with this statement? "Her marriages
11 and relationships as a young adult were unstabled and troubled,
12 including the suicide of a man that had had impregnated her."
13 Would you agree with that?

14 **A.** I'm not sure even what you're speaking about, someone that
15 committed suicide or anything.

16 **Q.** Are you aware of a relationship in which she became
17 impregnated, other than yours and with Moussa?

18 **A.** Yes.

19 **Q.** Okay. And when was that?

20 **A.** That was just before she left to Indiana to meet with
21 Moussa, and she said his name was Raphael. And she said that's
22 when she left to Indiana to get an abortion.

23 **Q.** Okay. And would you agree that -- or if you can -- that
24 her marriage to Moussa was controlled and abused and he
25 manipulated her?

1 A. I wasn't present for any of her relationship with Moussa,
2 physically, so I'm not sure what happened on that side.

3 Q. Did she ever discuss with you how manipulative he was?

4 A. She did not.

5 Q. She never told you that?

6 A. She did not.

7 Q. Did you ever ask her what happened, why there was a change
8 in the -- in your ability to see M.S. once she became married
9 to Moussa?

10 A. I asked her -- yes.

11 Q. What did she say?

12 A. She just said that Moussa would stand and monitor phone
13 calls but that was her only reasoning.

14 Q. Did you find it odd that Moussa would stand and monitor
15 her phone calls with you?

16 A. No.

17 Q. Why not?

18 A. I've witnessed many two-family homes, and I have seen that
19 a lot in my lifetime where the other family member in the new
20 family is insecure so he monitors, or she monitors, all the
21 phone calls between the child and the parent.

22 Q. Now, one of the other reasons that you guys broke up was
23 that Sam wanted more children and you didn't; am I right?

24 A. No.

25 Q. Did you guys ever discuss having more children?

1 A. No.

2 MR. DURKIN: Could I have a second, Judge?

3 THE COURT: Sure.

4 Noel, can you turn on the white noise, please.

5 MR. DURKIN: She's going to write a note.

6 THE COURT: Okay.

7 BY MR. DURKIN:

8 Q. So were you ever trying to have another child with Sam?

9 A. I do believe that we tried, yes.

10 Q. And when was that in relationship to when you broke up?

11 A. I'm not sure.

12 Q. Okay. And you also have a son from another relationship
13 who is older than M.S., correct?

14 A. Correct.

15 Q. How old is that son now?

16 A. Eighteen.

17 Q. And did he live with you?

18 A. No.

19 Q. Did he grow up with you?

20 A. He did not.

21 Q. He grew up with his mother?

22 A. Correct.

23 Q. Do you see him?

24 A. I do sometimes. I visit him. He lives in Florida.

25 Q. When he was growing up, how often did you see him?

1 A. Quite often while I lived in Florida. Not so often once I
2 moved out of Florida.

3 Q. You moved out of Florida in either 2003 or 2004; am I
4 right?

5 A. Sounds right, yes.

6 Q. And how old was he when you moved out of Florida, your
7 son?

8 A. He was still young. I'm not sure the age. I think he was
9 around four. Three or four, I'm not sure.

10 Q. Did you ever provide support money for M.S.?

11 A. Yes.

12 Q. When?

13 A. I don't have the dates and times of all the money I sent
14 Samantha.

15 Q. You didn't send any money once she was married to Moussa,
16 did you?

17 A. Once she was married to Moussa, I went to send her money;
18 and Sam said not to worry about it, they no longer required it.
19 I offered to put M.S. on my healthcare. She said it was not an
20 issue.

21 Q. One of the times you talked to the FBI was on February 10
22 of 2017, right?

23 A. I'm not sure of the exact dates when I spoke with the FBI.

24 Q. Did you speak to them once in Oklahoma City?

25 A. Yes.

1 Q. Would you take my word for it that it was February 10,
2 2017?

3 A. Yes.

4 Q. You told them that you believed M.S. had broken his arm
5 and that M.S. told you that Moussa and Sam were abusive; is
6 that right?

7 A. No. I did say that M.S. did have his arm broke and that
8 it was Samantha.

9 Q. That what?

10 A. That he said it was Samantha.

11 Q. That broke his arm?

12 A. Correct.

13 Q. M.S. told you that Samantha broke his arm?

14 A. Correct.

15 Q. And what did you do about that?

16 A. I called Samantha and spoke with her, and she said that it
17 wasn't true and that it did not happen. I later asked M.S.,
18 and he said that it was a lie. I also told the FBI the same
19 thing and that Sam said nothing happened to him. And he
20 apologized to her later for lying, he says.

21 Q. That was M.S. that said that?

22 A. Correct.

23 Q. And did you also tell the FBI, then, that you knew from
24 M.S. that Moussa took M.S. shooting and got him involved in the
25 martial arts; am I right?

1 A. Yes.

2 Q. Did you approve of that?

3 A. Yes.

4 Q. So it was okay to you that Moussa was teaching your son
5 how to shoot?

6 A. Correct.

7 Q. And as I think you said, you have no idea what happened
8 when Sam and M.S. -- I'm sorry -- your son were in Turkey, do
9 you?

10 A. Can you repeat the question.

11 Q. You have no idea what happened when your son and Samantha
12 were in Turkey with Moussa, correct?

13 A. Correct.

14 Q. Okay. And has anybody told you about an incident at the
15 border where Sam had to make an instantaneous decision about
16 getting in a white van and going with Moussa and the children
17 or staying behind and watching him take the children into
18 Syria? Anybody ever tell you that?

19 A. Yes.

20 Q. Who?

21 A. A reporter.

22 Q. You have any reason to doubt that?

23 A. Yes. Well, I mean, that's an odd question to ask 'cause
24 it's opinion based, and we're trying to operate off of facts.
25 And I don't -- it's not good to ask my opinion about something

1 like that.

2 Q. Well, that's for me to decide, and the judge. So my
3 question was, you don't have any reason to dispute what that
4 reporter told you, do you?

5 A. No, I wasn't there to witness it.

6 Q. Right. Just like you weren't aware of anything that was
7 going on in the Moussa Elhassani household in relationship to
8 Samantha, correct?

9 A. Yes.

10 Q. Just like you have no idea how much he abused her or
11 whether he abused her, do you?

12 A. Correct.

13 Q. All you know is she became a different person when she got
14 married to Moussa, correct?

15 A. Yes.

16 Q. And that affected you dramatically, didn't it?

17 A. Yes.

18 Q. Because you cared for her, correct?

19 A. No, because I cared for my son.

20 Q. Well, you didn't make any efforts to get your son back,
21 did you?

22 A. Make an effort to go into war-torn Syria, is that what you
23 are asking me?

24 Q. No, before they went to Syria.

25 A. No. I spoke with M.S. He said that he was happy there.

1 He didn't want to come away from his mother and his other
2 siblings.

3 Q. Okay. But did you also testify earlier that somehow M.S.
4 said something about Moussa thinking he was a tough guy but he
5 really wasn't? Did I hear that correctly?

6 A. Correct, in Syria.

7 Q. That was in Syria?

8 A. Correct.

9 Q. Did he tell you what he based that on?

10 A. Gun fights with Americans.

11 Q. Okay. But he certainly didn't tell you that his mother
12 was engaged in any gun fights with Americans, did he?

13 A. No.

14 Q. Did he ever talk about -- does he ever talk about what Sam
15 did to save the lives of some Yazidis?

16 A. No.

17 Q. Does he ever mention them?

18 A. No.

19 Q. Have you ever heard of them?

20 A. The name is not familiar to me.

21 Q. Did you ever hear about some Yazidis -- these are a
22 nationality -- two women that were brought into the household
23 while they were in Syria?

24 A. Yes.

25 Q. Okay. Who told you about that?

1 A. The reporter told me that Sam told him, and I saw the
2 interview on CNN about some people that were staying with them.

3 Q. But M.S.'s never discussed that with you?

4 A. No.

5 Q. Okay. And has M.S. ever discussed what happened when they
6 were trying to get out of Syria?

7 A. M.S. does not discuss anything that happened in Syria
8 almost at all except for the few stories that I've already
9 mentioned.

10 Q. Okay. And you told us that M.S. had been in therapy but
11 wanted to stop, correct?

12 A. Correct.

13 Q. And that was okay with you?

14 A. Yes.

15 Q. Why is that?

16 A. Because the therapist didn't recommend ongoing treatment.

17 Q. Oh, so it was the therapist that didn't recommend it?

18 A. No. When I spoke to the therapist about ending treatment,
19 they were fine with M.S.'s -- where he was at the time.

20 Q. And that was okay with you too?

21 A. Yes.

22 Q. Okay. And you have remained very close with her family,
23 particularly her father, correct?

24 A. Yes.

25 Q. And he's here in the courtroom today; am I right?

1 A. Yes.

2 Q. In fact, he even offered to bring you up here together to
3 save money, correct?

4 A. Correct.

5 Q. But you had already had a ticket from the government,
6 right?

7 A. Correct.

8 Q. Otherwise, you would have come up here with him, wouldn't
9 you?

10 A. It's possible, yes.

11 Q. Okay. 'Cause the two of you are close, right?

12 A. Yes.

13 Q. He's a good guy, right?

14 A. Yes.

15 MR. DURKIN: That's all I have.

16 THE COURT: Do you have any redirect, Mr. Zanzi?

17 MR. ZANZI: A few questions, Your Honor.

18 THE COURT: Okay. Why don't we do it then.

19 REDIRECT-EXAMINATION

20 BY MR. ZANZI:

21 Q. At the time that -- in 2014, when your son visited with
22 you and you observed that he was practicing Islam, did you have
23 any problem with that?

24 A. I didn't agree with it, and I mentioned it to Sam that I
25 did not agree. But I'm not a xenophobe, so just because he's

1 practicing a religion doesn't mean anything bad to me.

2 Q. Okay. And did you have any concerns about his -- you
3 explained that the nature of your -- how frequent you were able
4 to spend time with him had changed and things had changed. Did
5 you have any reason to believe that he was in danger or unsafe
6 or not in a good situation with Moussa and defendant?

7 A. I did not. Sam made everything seem very kosher.

8 Q. And any information that you have testified about
9 defendant's past relationships, what is that based off of, your
10 own personal knowledge or what defendant told you?

11 A. What the defendant told me.

12 Q. So you don't personally know if they are true or not,
13 correct?

14 A. Correct.

15 Q. Based on what you know of the defendant, is she someone
16 who makes her own decisions and is independent?

17 A. Yes.

18 Q. Based on what you know about her and her character, do you
19 believe that she went there willingly to Syria, knowingly?

20 A. I do.

21 Q. And why do you say that?

22 A. Sam is very free-spirited, and she doesn't generally
23 just -- I don't know how to explain it, honestly. I just --
24 Samantha usually doesn't just take directives from people and
25 follow them.

1 **MR. ZANZI:** Nothing further, Your Honor.

2 **THE COURT:** Mr. Durkin, do you have anything else
3 based on that?

4 **MR. DURKIN:** Yes.

5 **RECROSS-EXAMINATION**

6 **BY MR. DURKIN:**

7 **Q.** I thought that when I questioned you you said you didn't
8 know what happened at the border and you didn't know what
9 happened in Turkey; am I right?

10 **A.** Correct.

11 **Q.** So what is it that makes you say she went to Syria
12 willingly or not under the control or the thumb, the emotional
13 thumb, of Moussa Elhassani? What makes you say that?

14 **A.** As stated, Sam is usually very independent and doesn't
15 follow directives. Also, my experience with flying is that
16 your destination is on your ticket and you know where you're
17 going.

18 **Q.** Well, this ticket went to Morocco. Did you know that?

19 **A.** No.

20 **Q.** Did somebody tell you she had a ticket for Turkey and only
21 Turkey?

22 **A.** No.

23 **Q.** So why did you just say what you just said? What makes
24 you think she only had a ticket to Turkey?

25 **A.** She -- 'cause she did fly to Turkey. I never said it was

1 her only ticket.

2 Q. You didn't know -- so the government didn't tell you that
3 there was a connecting flight to Morocco?

4 A. No.

5 Q. Do you know anything about Moussa and Sam looking for
6 houses in Morocco to live?

7 A. I do not, no.

8 Q. You never heard that?

9 A. No.

10 Q. Nobody told you that?

11 A. No, sir.

12 Q. And you agree with me that you know nothing about domestic
13 abuse and the psychological affects of living with a
14 controlling man in an environment -- in a controlling
15 environment? You know nothing about that, correct?

16 A. Correct.

17 Q. So if a psychiatrist were to find that that was true, you
18 wouldn't quarrel with that, would you?

19 A. No.

20 Q. Thank you.

21 THE COURT: You have anything else, Mr. Zanzi?

22 MR. ZANZI: No, Your Honor.

23 THE COURT: Sir, thank you. You may step down. You
24 are excused.

25 * * *

1 (End of requested transcript.)

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CERTIFICATE

I, Stacy L. Drohosky, certify that the foregoing is a true
and correct transcript from the record of proceedings in the
above-entitled matter.

Date: November 24, 2020

S/Stacy L. Drohosky
S/STACY L. DROHOSKY
Court Reporter
U.S. District Court